

INFORMATION SHEET
DETERMINATIONS OF NO JURISDICTION FOR ISOLATED, NON-NAVIGABLE, INTRA-STATE WATERS
RESULTING FROM U.S. SUPREME COURT DECISION IN SOLID WASTE AGENCY OF NORTHERN COOK
COUNTY V. U.S. ARMY CORPS OF ENGINEERS

DISTRICT OFFICE:
FILE NUMBER:

Baltimore
2004-02279-4

REGULATORY PROJECT MANAGER:

Patricia Strong

Date: July 11, 2005

PROJECT REVIEW/DETERMINATION COMPLETED:

In the office (Y/N)

Date:

At the project site Y (Y/N)

December 10, 2004
May 2, 2005

PROJECT LOCATION INFORMATION:

State:

Pennsylvania

County:

Lebanon

Center coordinates of site by latitude & longitudinal coordinates:

40° 16' 29" / 76° 35' 06"

Approximate size of site/property (including uplands & in acres):

71 acres

Name of waterway or watershed:

unnamed tributary to Spring
Creek

SITE CONDITIONS:

| Type of aquatic resource ¹ | 0-1 ac | 1-3 ac | 3-5 ac | 5-10 ac | 10-25 ac | 25-50 ac | > 50 ac | Linear feet | Unknown |
|---------------------------------------|--------|--------|--------|---------|----------|----------|---------|-------------|---------|
| Lake | | | | | | | | | |
| River | | | | | | | | | |
| Stream | | | | | | | | | |
| Dry Wash | | | | | | | | | |
| Mudflat | | | | | | | | | |
| Sandflat | | | | | | | | | |
| Wetlands | | | X | | | | | | |
| Slough | | | | | | | | | |
| Prairie pothole | | | | | | | | | |
| Wet meadow | | | | | | | | | |
| Playa lake | | | | | | | | | |
| Vernal pool | | | | | | | | | |
| Natural pond | | | | | | | | | |
| Other water (identify type) | | | | | | | | | |
| _____ | | | | | | | | | |

¹Check appropriate boxes that best describe type of isolated, non-navigable, intra-state water present and best estimate for size of non-jurisdictional aquatic resource area.

| Migratory Bird Rule Factors ¹ : | If Known | | If Unknown Use Best Professional Judgment | | |
|---|----------|----|--|-----------------------|--------------------------------|
| | Yes | No | Predicted to Occur | Not Expected to Occur | Not Able To Make Determination |
| Is or would be used as habitat for birds protected by Migratory Bird Treaties? | | | | | |
| Is or would be used as habitat by other migratory birds that cross state lines? | | | | | |
| Is or would be used as habitat for endangered species? | | | | X | |
| Is used to irrigate crops sold in interstate commerce? | | X | | | |

¹Check appropriate boxes that best describe potential for applicability of the Migratory Bird Rule to apply to onsite, non-jurisdictional, isolated, non-navigable, intra-state aquatic resource area.

TYPE OF DETERMINATION:

Preliminary Or Approved X.

ADDITIONAL INFORMATION SUPPORTING NJD (e.g., paragraph 1 – site conditions; paragraphs 2-3 – rationale used to determine NJD, including information reviewed to assess potential navigation or interstate commerce connections; and paragraph 4 – site information on waters of the U.S. occurring onsite):

Carriage Park property consists of approximately 71 acres. The majority of the site is in agricultural crop production. A portion of the site is forested wetlands. The site is surrounded by residential, recreational park land and a horse farm.

Wetland C (.15 acres) is located in the corner of the property at the corner of Locust Street and Fox Road in a low-lying area of the agricultural field. The area is dominated by cattails and reed canary grass—there is no connection to any stream channels nor are there any culverts draining the area under either of the adjacent roadways. PADEP took jurisdiction over wetland C because all three parameters were present.

Six other jurisdictional wetland areas were identified and delineated on site, as well as three unnamed tributaries to Spring Creek, a tributary to Swatara Creek, which is a tributary to the Susquehanna River (Interstate Waters). In addition, a grass-lined (non-jurisdictional) waterway serves as a surface connection from wetlands A and B to an unnamed tributary to Spring Creek.